

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

DAIVD LEE FAULKNER

PLAINTIFF

v.

CIVIL ACTION NO. 1:20-CV-46-DAS

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

FINAL JUDGMENT

Plaintiff David Lee Faulkner filed a Complaint for Judicial Review of Social Security Decision of the unfavorable decision of the Commissioner of Social Security regarding an application for supplemental security income. Docket 1. The parties have consented to entry of final judgment by the United States Magistrate Judge under 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. Docket 19. The Court, having reviewed the record, the administrative transcript, the briefs of the parties, and the applicable law and having heard oral argument, finds that the Commissioner's decision should be affirmed.

The plaintiff argues the ALJ erred at Step 2 in finding his lumbar spine impairment non-severe, but the court finds substantial evidence exists to support this finding. Specifically, the objective medical evidence of record consistently documents mild degenerative changes to the plaintiff's lumbar spine and does not contain any evidence of any related functional limitations. The court also finds the ALJ did not fail to develop the record. Because substantial evidence supports the ALJ's finding that the plaintiff's lumbar spine impairment is non-severe, it follows that the ALJ did not abuse his discretion in declining to order a consultative examination as it relates to this impairment.

Accordingly, the Court finds there is no reversible error, and the Commissioner's decision is supported by substantial evidence in the record. Therefore, the decision of the Commissioner is hereby **AFFIRMED**.

SO ORDERED, this the 12th day of February, 2021.

/s/ David A. Sanders

UNITED STATES MAGISTRATE JUDGE